

U.S. Constitution is a document based on powers granted to the federal government. So the U.S. Constitution is a grant of authority to the lawmaking body. The state constitution, on the other hand, is a limitation on the state's lawmaking authority. The Legislature has plenary or total power to legislate on all subjects limited only by the U.S. Constitution and laws enacted by Congress. Federal laws and the federal constitution take priority over a state constitution, state laws or even state court decisions. A recent example of how the interpretation of the federal law or its reach will go against what a state Supreme Court has stated occurred the other day with reference to the taxation of certain railroad property personal taxation. To take political ideas or excited issues of the moment and incorporate them into the constitution can only be, in my mind, for political purposes and it degrades the constitution and what it ought to be. The Legislature can submit any question to the public that it chooses. The public can adopt, as an amendment to the state constitution, anything that it chooses. But remember, there are things that can be in a state constitution that must overcome the requirements of the federal constitution, or meet those requirements, the federal constitution and the federal laws. There has not been a great amount of deep scholarly research on this proposition. That's why those who support it are going to speak in emotional terms. But those of us who respect the constitution, not talking now about specific items in it, but what a constitution is, the role that it plays and put next to that, the things that the Legislature has the power to do by statute, all of us who take those things seriously will oppose bringing this from committee. I will do everything I can, if this should be brought to the floor, to defeat it. It might be the most noble catalog of statements, wishes, hopes, good advice that the mind of human beings could put together, nevertheless, it ought not to be in the constitution. The constitution is not to be reduced to boiler plate statements.

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: Whatever happens to be the popular cause of the day, somebody says, because some national group is pushing it for whatever reasons they have, put this in your state constitution and you ought to put it in yours because others have been prevailed upon to do it. As the discussion goes on, I will talk specifically about provisions in this proposed amendment. However, because of the role and purpose of a